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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/783,894

02/20/2004

Joseph J. Kubler

14364US18

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23446 7590 12/07/2010
MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER

CAMPBELL, MATTHEW T

ART UNIT

PAPER NUMBER

2465

MAIL DATE

DELIVERY MODE

12/07/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/783,894	Applicant(s) KUBLER ET AL.	
	Examiner MATTHEW CAMPBELL	Art Unit 2465	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-57, 59-63, 65-84 and 86-113 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44-57, 59-63, 65-84 and 86-113 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the reply filed on 11-26-2010. Claims 44-57, 59-63, 65-84 and 85-113 are presented, of which the independents are 44, 63 and 71.

Response to Arguments

2. The §101 rejection of non-statutory transitory computer readable media is withdrawn based on applicant's amendment.
3. The §112 1st written description rejections are maintained, discussion follows.
4. The §103 rejections are maintained, discussion follows.

For the §112 rejection of claims 50-52 and 77-79

In general applicant disagrees with the written description rejection by challenging the office's evidence therefor; however, it is still not shown where the specification clearly supports the conversion of information from a packet format to another packet format. To be clear, the claims require conversion of information from a packet format to an associated format, where the associated format is that of a second packet network. If these limitations are retained, it is requested that applicant clearly indicate where the specification supports them. Please refer to the office's rejection in the previous office action, which is maintained and reproduced below. Also, see page 262, which defines conversion as being between an analog voice stream and a digital packet format, which definition is used throughout the spec (**see conversion circuitry on p. 291 and fig. 58**), and nowhere is conversion defined between packet formats. If

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the claimed conversion is something other than the disclosed conversion, then clarification is requested.

For the §112 rejection of claims 92, 95 and 98

Applicant disagrees with the written description rejection stating that the claimed, *"automatically determining the [buffering] period of time using propagation delay of the packet network, wherein the determining is performed during communication of voice, if the propagation delay of the packet network is above a certain level,"* is supported by, *"...round trip test signals are interspersed with voice packets and decisions made regarding queuing times and full or half duplex considerations are reevaluated for further voice support."* The examiner disagrees, because reevaluation for further voice support is broader and does not convey to one having ordinary skill in the art determining if propagation delay is above a certain level. The office's previous rejection is maintained and reproduced below. To reiterate, during the communication of voice the specification merely describes that queuing time may be adjusted up (**see page 309, lines 11-17 and fig. 62**). The specification does not describe that during the communication of voice propagation delay is compared to a certain level.

For the §103 rejections

Applicant argues that Suffern does not teach, "providing to a host device at least a portion of the information requesting setup of a call and receiving from the host device configuration information based upon the at least a portion of the information requesting

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setup of a call." In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). To clarify, Isreal teaches information requesting setup of a call and configuration information (**col. 3 lines 22-40, where the call processor receives a dialed call and consults a terminal location table to determine a destination location**), and Suffern teaches providing configuration information to a host device (**offload processing from separate processor on unit to microprocessor already in host computer, col. 1 lines 60-67 and fig. 2**). Suffern's motivation is to reduce cost and facilitate revision without requiring hardware modification (**Suffern: col. 1 line 67 - col. 2 line 2, and col. 2 lines 36-40**). Thus, the combination teaches offloading the terminal location table from the processor to a host computer in order to reduce cost of the call processor and facilitate terminal location table revision without requiring hardware modification, as per Suffern's motivation, and applicant's rationale (G).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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6. Claims 50-52, 77-79, 92, 95 and 98 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 50 and 77, in tandem with parent claims 44 and 71, recite "...the communication including the conversion of information received in a packet format for transmission in the associated format, and the conversion of information received in the associated format for transmission in the packet format, wherein the conversion of information received in a packet format for transmission in the associated format comprises buffering digitized voice information for a period of time to minimize gaps in a voice signal...wherein the at least one communication network is a second packet network"; however, the specification teaches that if setup assistance is not needed, the access device merely forwards the call setup packet to the destination device (**see fig. 59 and p. 299 lines 4-6**), and source and destination devices themselves generate voice packets (**p. 300 lines 8-12**). Thus, the specification does not teach the access device performing conversion between two packet networks. Claims 51, 52, 78 and 79 inherit this deficiency.

Claims 92, 95 and 98, in tandem with parent claims 90, 93 and 96, recite automatically determining the [buffering] period of time using propagation delay of the

packet network, wherein the determining is performed during communication of voice, if the propagation delay of the packet network is above a certain level. However, the specification states that, during the communication of voice, queuing time may be adjusted merely by adjusting it up if a queuing time error is detected (**page 309, lines 11-17 and fig. 62**). The specification does describe using the propagation delay to determine the buffering period of time before voice communication begins (**page 306, lines 1-6 and fig. 61**), but the specification does not describe using the propagation delay to determine the buffering period of time during the communication of voice.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
8. Claims 44, 47-49, 53-61, 63, 64, 67-69, 71, 74-76, 80-88, 90, 93, 96, 99, 102-104, 107-109, 112 and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isreal et al. (US 4723238 A) in view of Suffern et al. (US 5724413 A) and Barberis et al. (US 4317195 A).

For claim 44 and 71, Isreal teaches a method for communicatively coupling a packet network to at least one communication network having an associated information format, the method comprising: receiving, from one of the packet network and the at least one communication network, information requesting setup of a call between the packet network and the at least one communication network (**Isreal: network interface**

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card 14 receives call originating from packet terminal 131-X or circuit terminal 121-X, fig. 1 and col. 3); and establishing call communication between the packet network and the at least one communication network based upon the information, the communication including the conversion of information received in a packet format for transmission in the associated format, and the conversion of information received in the associated format for transmission in a packet format **(Isreal: network interface controller 14 establishes communication path between packet terminal 131-X and circuit terminal 121-X using data converter 145X, fig. 1 and col. 3).**

Isreal does not teach providing, to a host device, at least a portion of the information requesting setup of a call; receiving, from the host device, configuration information based upon the at least a portion of the information requesting setup of a call. However, Suffern from a similar field of endeavor teaches an interface card that provides received signals to the host device for processing **(Suffern: figs. 1-4)**. It would have been obvious to modify Isreal incorporate Suffern's teaching in order to reduce the cost of the interface card and to facilitate revision without requiring hardware modification **(Suffern: col. 1 line 67 - col. 2 line 2, and col. 2 lines 36-40)**.

Isreal in view of Suffern does not teach wherein the conversion of information received in a packet format for transmission in the associated format comprises buffering digitized voice information for a period of time to minimize gaps in a voice signal. However, Barberis teaches this **(see fig. 1 and col. 3 line 36:**

telecommunication system having packet-routing nodes for transmitting PCM voice signals; fig. 2 and col. 4 lines 7+: receiving node N2 having buffer memory

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M6 for temporary packet storage). It would have been obvious to one having ordinary skill in the art to modify Isreal and Suffern with Barberis' teaching to transmit voice without perceptible gaps **(see Barberis col. 1 lines 38-41 and the last lines of the abstract).**

For claim 47 and 74, Isreal in view of Suffern and Barberis teaches the method of claim 44 and 71 wherein packets comprise digitized voice information **(Barberis: PCM voice signals, col. 3 line 40).**

For claim 48 and 75, Isreal teaches the method of claim 44 and 71 wherein packets comprise non-voice data **(Isreal: Inter-system data calls, col. 9).**

For claim 49 and 76, Isreal teaches the method of claim 48 and 75 wherein at least a portion of the non-voice data is unrelated to the communication of digitized voice information **(Isreal: Inter-system data calls, col. 9).**

For claim 53 and 80, Isreal in view of Suffern teaches the method of claim 44 and 71 wherein the at least one communication network comprises a conventional telephone switching network **(Isreal: CSS supports voice calls, col. 2 line 44; Suffern: telephone network 30, fig. 1).**

For claim 54 and 81, Isreal in view of Suffern teaches the method of claim 53 and 80 wherein the associated format is an analog format (**Suffern: telephone network 30 and analog converter 40, fig. 2**).

For claim 55 and 82, Isreal teaches the method of claim 53 and 80 wherein the associated information format is a digital format (**Isreal: CSS utilizes PCM voice samples or digital data, col. 4 line 49**).

For claim 56 and 83, Isreal in view of Suffern teaches the method of claim 53 and 80 wherein the associated format is a modem signal (**Suffern: modem signal, col. 4 line 10**).

For claim 57 and 84, Isreal in view of Suffern and Barberis teaches the method of claim 44 and 71 wherein the conversion of information received in a packet format for transmission in the associated format comprises converting digitized voice information into an analog voice signal (**Barberis: D/A convert DA, fig. 1**).

For claim 58 and 85, Isreal in view of Suffern and Barberis teaches the method of claim 44 and 71 wherein the conversion of information received in a packet format for transmission in the associated format comprises buffering digitized voice information for a period of time to minimize gaps in a voice signal (**Barberis: buffer memory M6 temporarily stores incoming packets, fig. 2 and col. 4 line 7+, and col. 5 line 66+**).

For claim 59 and 86, Isreal in view of Suffern and Barberis teaches the method of claim 44 and 71 wherein the conversion of information received in the associated format for transmission in the packet format comprises converting an analog voice signal into digitized voice information **(Barberis: A/D converter AD, fig. 1)**.

For claim 60 and 87, Isreal in view of Suffern and Barberis teaches the method of claim 44 and 71 wherein the at least one converter reduces the number of voice packets transmitted via the at least one packet network, by changing the packetization of digitized voice information when voice activity on the at least one network interface is below a predetermined level **(Barberis: talkspurt detector RVA determines absence of pauses, fig. 1 and col. 3 line 41+)**.

For claim 61 and 88, Isreal in view of Suffern teaches the method of claim 44 and 71 wherein the host device is a personal computer **(Suffern: conventional IBM computer 20, fig. 1)**.

For claim 63, Isreal teaches a machine-readable storage having stored thereon a computer program having a plurality of code sections for implementing a system supporting communication between a packet network and at least one other network, the at least one other network having an associated communication format, the code section executable by a machine for causing the machine to perform operations

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comprising: accepting a request for setup of a call, the request identifying the at least one other network (**Isreal: packet switching system 13 or circuit switching system 12 receives call originating from packet terminal 131-X or circuit terminal 121-X, fig. 1 and col. 3**); providing, to a host device, information related to the call setup request; receiving, from the host device, call parameters derived from the information related to the call setup request (**Isreal: packet switching system 13 or circuit switching system 12 forwards request to network interface terminal 14, fig. 1 and col. 3**); and communicatively coupling the packet network and the at least one other network, based upon the call parameters (**Isreal: network interface controller 14 establishes communication path between packet terminal 131-X and circuit terminal 121-X using data converter 145X, fig. 1 and col. 3**).

For claim 64, Isreal teaches the machine-readable storage of claim 63 wherein the coupling comprises: converting information from a packet format to the associated communication format of the at least one other network; and transforming information from the associated communication format of the at least one other network to a packet format (**Isreal: data converters 145X convert between packet and circuit formats, col. 6 line 23**).

For claim 67, Isreal in view of Suffern teaches the machine-readable storage of claim 63 wherein the at least one other network comprises a conventional telephone

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switching network (**Isreal: CSS supports voice calls, col. 2 line 44; Suffern: telephone network 30, fig. 1).**

For claim 68, Isreal in view of Suffern teaches the machine-readable storage of claim 67 wherein the associated communication format of the at least one other network is an analog format (**Suffern: telephone network 30 and analog converter 40, fig. 2).**

For claim 69, Isreal in view of Suffern and Barberis teaches the machine-readable storage of claim 63 further comprising: communicating with the host device digitized voice information (**Barberis: PCM voice signals, col. 3 line 40; Suffern: exchange digitally-expressed analog sample amplitude values directly with the connected host computer, col. 2 lines 8-12).**

For claims 90, 93 and 96, Isreal in view of Suffern and Barberis teaches automatically determining the period of time using a propagation delay of the packet network, if the conversion comprises converting packetized digital voice information to a voice stream (**Barberis: col. 7 lines 32-40 and fig. 3 element 113).**

For claims 99, 104 and 109, Isreal teaches wherein the host device accesses user-modifiable data comprising a plurality of call destination identifiers each having an associated one of a plurality of routing path identifiers, and wherein the host device produces the call parameters by identifying the routing path identifier associated with a

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call destination identifier in the information requesting setup of a call (**col. 9 lines 26-33, terminal location table 201 is generated by the system administrator and contains a list of all dialable terminal numbers, terminal location table 203 is constructed based upon this list**).

For claims 102, 107 and 112, Isreal teaches wherein the plurality of routing path identifiers comprises a routing path identifier that causes routing of a call via a local area packet network (**fig. 2, terminal location table, packet switched system (PSS)**).

For claims 103, 108 and 113, Isreal teaches wherein the plurality of routing path identifiers comprises a routing path identifier that causes routing a call via a switched telephone network (**fig. 2, terminal location table, circuit switched system (CSS)**).

9. Claims 45, 46, 65, 66, 72 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isreal et al. (US 4723238 A) in view of Suffern et al. (US 5724413 A), Barberis et al. (US 4317195 A) and Row et al. (US 5163131 A).

For claim 45 and 72, Isreal in view of Suffern and Barberis does not teach the method of claim 44 and 71 wherein the packet network is compliant with an Internet protocol (IP). However, Row teaches a packet network that is compliant with IP (**Row: TCP/IP, cols. 5 and 6**). It would have been obvious to one having ordinary skill in the

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art to modify Isreal in view of Suffern and Barberis with Row's teaching in order to interface with other IP networks.

For claim 46 and 73, Isreal in view of Suffer, Barberis and Row teaches the method of claim 45 and 72 wherein the Internet Protocol is compliant with the transmission control protocol (TCP)/Internet protocol (IP) (**Row: TCP/IP, cols. 5 and 6**).

For claim 65, Isreal in view of Suffern and Barberis does not teach the machine-readable storage of claim 63 wherein the packet format is compliant with an Internet protocol (IP). However, Row teaches a packet network that is compliant with IP (**Row: TCP/IP, cols. 5 and 6**). It would have been obvious to one having ordinary skill in the art to modify Isreal in view of Suffern and Barberis with Row's teaching in order to interface with other IP networks.

For claim 66, Isreal in view of Suffer, Barberis and Row teaches the machine-readable storage of claim 65 wherein the packet format is the transmission control protocol (TCP)/Internet protocol (IP) (**Row: TCP/IP, cols. 5 and 6**).

10. Claims 62, 70 and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isreal et al. (US 4723238 A) in view of Suffern et al. (US 5724413 A), Barberis et al. (US 4317195 A) and Messenger (US 5046066 A).

For claim 62 and 89, Isreal in view of Suffern and Barberis does not teach the method of claim 44 and 71 wherein the packet network is a wireless network. However, Messenger teaches a wireless packet network (**Messenger: figs. 1-2**). It would have been obvious to one having ordinary skill in the art to modify Isreal in view of Suffern and Barberis with Messenger's teaching in order to provide mobile data nodes.

For claim 70, Isreal in view of Suffern and Barberis does not teach the machine-readable storage of claim 63 wherein the packet network is a wireless network. However, Messenger teaches a wireless packet network (**Messenger: figs. 1-2**). It would have been obvious to one having ordinary skill in the art to modify Isreal in view of Suffern and Barberis with Messenger's teaching in order to provide mobile data nodes.

11. Claims 91, 94 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isreal et al. (US 4723238 A) in view of Suffern et al. (US 5724413 A), Barberis et al. (US 4317195 A) and Nishimoto (US 4549297 A).

For claims 91, 94 and 97, Isreal in view of Suffern and Barberis does not teach wherein the determining is performed before communication of voice begins. However, Nishimoto teaches wherein the determining is performed before communication begins (**measuring frame transmitted prior to the start of transmission to determine**

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transmission delay time, col. 1 lines 54-60). It would have been obvious to one having ordinary skill in the art to modify Isreal in view of Suffern and Barberis with Nishimoto's teaching in order to apply the buffering time with the beginning of voice communication.

12. Claims 100, 105 and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isreal et al. (US 4723238 A) in view of Suffern et al. (US 5724413 A), Barberis et al. (US 4317195 A) and Melrose (US 5062133 A).

For claims 100, 105 and 110, Isreal in view of Suffern and Barberis does not teach wherein the plurality of routing path identifiers comprises a routing path identifier that causes the host device to prompt the user to select a call route; however, Melrose teaches a routing path identifier that causes a host device to prompt a user to select a call route (**fig. 1 and col. 4 lines 5-35; multi-function telephone call management system 100 enables a caller on an incoming call to designate the ones of the communication devices (facsimile machine 111, modem 112, answering machine 113, and telephone 114) the caller wishes to access**). It would have been obvious to one having ordinary skill in the art to modify Isreal in view of Suffern and Barberis with Melrose's teaching in order to provide a plurality of voice communication features on a single call connection (**Melrose: col. 1 lines 61-65**).

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13. Claims 101, 106 and 111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isreal et al. (US 4723238 A) in view of Suffern et al. (US 5724413 A), Barberis et al. (US 4317195 A) and Hutton et al. (US 6108704 A).

For claims 101, 106 and 111, Isreal in view of Suffern and Barberis does not teach wherein the plurality of routing path identifiers comprises a routing path identifier that causes routing a call via the Internet; however, Hutton teaches a routing path identifier that causes routing a call via the Internet (**fig. 1 and col. 5, connection server 26 stores IP addresses of processing units 12, 22 for establishing point-to-point voice communications**). It would have been obvious to one having ordinary skill in the art to modify Isreal in view of Suffern and Barberis with Hutton's teaching in order to communicate with Internet devices.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW CAMPBELL whose telephone number is 571-270-3988. The examiner can normally be reached on Monday through Friday from 9:00am until 6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. C./
Examiner, Art Unit 2465
12-3-2010

/Jayanti K. Patel/
Supervisory Patent Examiner, Art Unit 2465